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July 8, 2013

*Filed electronically Via ECFS*

Marlene H. Dortch  
Office of Secretary  
Federal Communications Commission  
445 Fifth Street, SW, Suite TW-A325  
Washington, DC 20554

Re: In the Matter of Technology Transitions Policy Task Force Request for  
Comment on Potential Trials, GN Docket No. 13-5.

Dear Ms. Dortch:

The New York State Public Service Commission (NYPSC) submits this letter in response to the Technology Transitions Policy Task Force's (Task Force) Public Notice (Notice) requesting comments on the need for and design and implementation of various technology trials. This letter responds to the Federal Communications Commission's (FCC) request for comments on one of the three study areas proposed for trials, specifically the transition from wireline to wireless technology. The NYPSC supports the gathering of data to develop policy recommendations on the ongoing transition from copper to fiber and wireless facilities and from time-division multiplexing to Internet Protocol technology.

Following Superstorm Sandy, Verizon New York Inc. (Verizon) filed tariff amendments to deploy its Voice Link service<sup>1</sup> on the western portion of Fire Island and other parts of New

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<sup>1</sup> The Voice Link service is provided over a hybrid wireline-wireless network, utilizing much of the same local loop, including outside plant facilities and infrastructure, and customer premises equipment as traditional wired basic local service. Voice Link equipment is installed, maintained, and serviced by Verizon, the incumbent wireline service provider. Voice Link service provides dial tone and E911 service capabilities similar to basic local service. Thus, Voice Link is deemed to adequately meet the regulatory definition of basic local service for oversight purposes.

York. The NYPSC provided temporary approval for the use of Voice Link only on the western portion of Fire Island and suspended the remainder of Verizon's tariff amendment pending further review and public comment. The NYPSC's temporary approval of Voice Link on the western portion of Fire Island was based on the exigent circumstances that existed in the wake of Superstorm Sandy. Verizon reported that the Storm damaged a portion of the copper wire facilities on Fire Island beyond repair and, without Voice Link, no telecommunications services would become available prior to the beginning of the summer season when the population on Fire Island grows substantially.

The NYPSC's temporary approval of Voice Link is not a trial; the NYPSC has not approved the abandonment of copper facilities or wireline service; and the NYPSC has not reached a final decision on these issues. As part of the proceeding to evaluate the performance of Voice Link, the NYPSC is seeking comments from interested parties and stakeholders on Verizon's technology, service plans and delivery. The NYPSC directed Verizon to provide it with a comprehensive report evaluating the quality and reliability of Voice Link to Fire Island customers by November 1, 2013.

Turning to the FCC's Notice, it is important to balance the interests of continuing customer protections while exploring the use and expansion of new technology. Paramount to this interest is the principle that wireline-to-wireless trials are conducted only where a safety net exists for customers. For example, a competing wireline service is available for a customer to choose in lieu of participating in the new technology trial. The NYPSC recommends establishing a requirement that places a strong emphasis on providing sufficient information regarding the potential challenges and limitations of any new services in order to obtain informed customer consent. This requirement is especially essential for groups living in circumstances that may require access to emergency services as a matter of health and safety.

The NYPSC recommends that the FCC include the following specific elements in its proposed wireline-wireless trials. States should be actively involved in the oversight of any local exchange companies (LECs) participation in the wireline-to-wireless trials, and apply to the trials the oversight and responsibilities that they exercise over other LEC network operations and service conditions. The same federal and state regulatory requirements should extend to any of the trials, in order to realistically analyze and understand the effects and issues involved. Any of

the trials undertaken by LECs should provide offerings that are equivalent in functionality to the network services replaced.

The NYPSC raises the concern that a strong potential exists for service quality degradation and reliability and resiliency impairments, if networks are not properly designed and participating customers transitioned efficiently. These concerns include availability of adequate capacity to accommodate an expanded customer base for the wireline and wireless networks during blue sky and grey sky conditions (e.g., good or bad weather), as well as provision of sufficient network-powering characteristics (e.g., primary and backup systems). It is critical to maintain reliable access to 911 emergency services, including supplemental 911 trunking in wire centers. LECs participating in wireline-to-wireless trials should collect network reliability measures for both their wireline and wireless products and services in the trial areas. During any trial periods, all wireline network elements must remain intact and available as they were before the trial period began, to allow the expedient transfer of customers back to their previous services.

LECs participating in the wireline-to-wireless trial must disclose all differences between a customer's existing wireline service and the trial service prior to the customer switching services. This information is crucial for customers to make informed decisions about their service preferences and needs, with respect to such things as pricing, data usage allowances, consumer protections, terms of service, emergency services (911) capabilities, accessibility, calling features, as well as considering potential incompatibilities with other consumer products such as fax machines, alarm services, or other customer premises equipment.

Customer participation in any wireline-wireless trials should be strictly optional. The intent of trials is to assess unproven technologies. Some customers may not wish to relinquish their wired telecommunications service for safety, reliability, or other reasons. The customers who decide not to join trial technology deployments should not be required to do so.

Customers who participate in any wireline-wireless trials must be informed that they can switch back to their previous wireline service. Any switches must be performed at no charge throughout the duration of the trial period, and for a reasonable period after the trial period ends. A reasonable switch back period would be no less than 30 calendar days after the trial period ends. Trial participants should receive written notification of the trial service terms and trial

period length, including end date and switch back options. Additional written notification of the switch back period should be provided to customers 30 days prior to the end of the trial, to remind customers of service terms including the ability to change back to their previous services at no cost.

The NYPSC endorses the proposed types of data proposed for collection in the trial. The Task Force should seek and encourage customer comments during the course of the trial. Information gained from customer satisfaction surveys based on customer experience from the trials would assist in evaluation of the results.

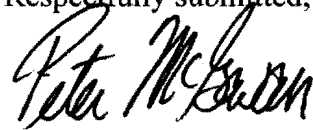
The NYPSC expects customers who choose to participate in any wireline-to-wireless trials will have much the same expectations of their service providers and their state regulatory agencies as they had prior to joining the trials. Service providers and regulatory agencies should continue to administer consumer protections, such as, processing complaints and resolving billing disputes during the wireline-to-wireless trials without any changes to the current practices. The NYPSC supports tariff requirements remaining essentially the same. Network reliability, service quality, outage reporting, outside plant maintenance and inspection processes should remain the same in any trial area throughout the trial duration.

The direct involvement of states in selecting geographic areas for wireline-to-wireless trials would improve trial quality and prospects for success. States are best positioned to consider the multitude of inputs that will help determine where the trials would provide the most information and consumer experience feedback, while additionally ensuring that less robust or vulnerable areas are not inadvertently selected for the trials. For example, states can quickly assess the suitability of potential trial areas based upon a number of essential factors including: extent of competitive wired services in any given area; baseline network operational and service conditions of LECs involved in potential trials; emergency service elements and infrastructure conditions; and general demographics. From these inputs, states are in the position to identify wire centers that are more suitable candidates for the trials, and ensure that those selected include rural, suburban and urban environments. One of the factors important to the selection of the trial locations is the degree of customer satisfaction with service provided through the wire center, as measured by the customer complaint rate to the state commission or the customer trouble report rate. Choosing areas with varying levels of satisfaction would assist in evaluating and

comparing the impact of the introduction of a wireless service option in locations with satisfied and with dissatisfied customers.

The NYPSC is committed to an evolving telecommunications environment where the benefits of new technology are made available to customers, while continuing to ensure reliable services and a resilient network. We look forward to working with the FCC as it deploys these trials throughout the country.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter McGowan". The signature is fluid and cursive, with the first name "Peter" and last name "McGowan" clearly distinguishable.

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